

REMARKS

Claims 2-7 and 9 are all the claims pending in the application.

Applicant note the Examiner indicates in the Office Action that the Office Action is responsive to communications filed on February 24, 2007. However, because no communications were filed on that date, Applicants submit this comment in erroneous.

Finality of Office Action

The Examiner indicates the finality of this Office Action is necessitated by Applicant's amendment. However, Applicant submits no substantial amendments have been entered by the Examiner since the RCE of July 20, 2005 was filed. Accordingly, the new prior art applied by the Examiner was not necessitated by Applicant's amendment.

Therefore, Applicants submit the finality of the present Office Action is in error and should be withdrawn.

Claim Rejections - 35 U.S.C. § 103(a)

The Examiner rejected claims 5-7 and 9 under § 103(a) as being unpatentable over Baum (WO 97/15992) in view of Schultz (US 6,345,186).

Applicant submits herewith a verified English Translation of the priority document 9907812 in order to perfect priority. Because the priority date of the present application is June 21, 1999, and Schultz was filed on December 10, 1999, after the priority date of the present application, Schultz is effectively removed as prior art as applied to the present application.

The Examiner contends Baum discloses most of the features recited in the claims, but concedes Baum fails to disclose, at least, that the radio relay on the ground is replaced by the aircraft. The Examiner relies on Schultz to disclose this feature. However, as priority is perfected, Schultz is not valid prior art.

Accordingly, Applicant submits the applied combination fails to disclose, at least, “replacing said radio relay by an aircraft,” as recited in claim 7.

Consequently, because Baum fails to compensate for the features of Schultz relied on by the Examiner Applicant submits the Examiner has failed to establish *prima facie* obviousness because Baum alone fails to disclose all the features recited in the claims.

Thus, Applicant submits claims 5-7 and 9 are allowable for at least this reason.

Claim Rejections - 35 U.S.C. § 103(a)

The Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Baum and Schultz in view of Wong (WO 97/33790).

Because Wong, either taken alone or in combination with Baum, fails to compensate for the above noted deficiencies of Baum as applied to claim 7, Applicant submits claim 2 is allowable, at least by virtue of its dependency.

Claim Rejections - 35 U.S.C. § 103(a)

The Examiner rejected claim 3 as being unpatentable over Baum in view of Schultz, in further view of Lee (US 6,425,552).

Because Lee, either taken alone or in combination with Baum, fails to compensate for the above noted deficiencies of Baum as applied to claim 7, Applicant submits claim 3 is allowable, at least by virtue of its dependency.

Claim Rejections - 35 U.S.C. § 103(a)

The Examiner rejected claim 4 as being unpatentable over Baum in view of Schultz, in further view of Nishizawa (JP 6320079).

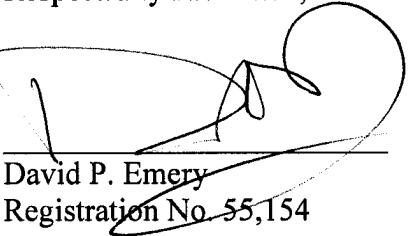
Because Nishizawa, either taken alone or in combination with Baum, fails to compensate for the above noted deficiencies of Baum as applied to claim 7, Applicant submits claim 4 is allowable, at least by virtue of its dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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